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OFFICE OF PETITIONS

In re Application of
Spindler et al.

Application No. 10/536,596

Filed: May 26, 2005

Attorney Docket No. HUBR-1282

Title of Invention: POLYAMIDE-BASED

WATER-SOLUBLE BIODEGRADABLE

COPOLYMERS AND THE USE THEREOF

ON PETITION

This is a decision on the petition, filed May 21, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition filed under 37 CFR 1.181 is **Dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application became abandoned for failure to file a response to a Notice of Non-Responsive Amendment which was mailed on January 2, 2008. The Notice set an extendable one (1) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 3, 2008. A Notice of Abandonment was mailed on May 16, 2008.

Petitioner maintains that a the Notice was made in error because a complete reply to the Restriction Requirement was submitted on September 28, 2007. Petitioner states that upon receiving the Notice of Non-Responsive amendment, petitioner called the examiner to state that he believed the January 2, 2008 Notice was improper. Petitioner states that the Examiner left a phone message on January 24, 2008 indicating the

A review of the record shows that petitioner failed to reply to the Restriction Requirement. Pursuant to 37 CFR 1.2, all business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. The Notice clearly stated failure to reply would result in the abandonment of the application. Since a reply was not filed in reply to the Notice of Non-Responsive Amendment, the application was properly held abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By delivery service:
(FedEx, UPS, DHL, etc.)

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